

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA	)	
	)	Case No: 1:11-CR-41
v.	)	
	)	
BILLY WAYNE LOCKE A/K/A	)	Judge Curtis L. Collier
"BILLY LOCK"	)	

**ORDER AND NOTICE OF HEARING**

*Pro se* Defendant Billy Wayne Locke ("Defendant") has filed (1) a motion to appoint new counsel (Court File No. 74); (2) a motion for information (Court File No. 79); and (3) a motion to continue (Court File No. 75). The issue of counsel--or Defendant's lack thereof--is at the heart of each motion. With respect to the motion to appoint new counsel, Defendant requests that Attorney Robert Philyaw be "fired" from the case. Yet, Defendant is not represented by counsel, and Attorney Philyaw is merely available to assist as "elbow counsel." There is no one for Defendant to "fire." With respect to the motion for information, the Court reminds Defendant it cannot provide him with legal assistance or act as his attorney. Finally, with respect to Defendant's self-styled motion to continue, the Court notes that the motions referenced by Defendant have been decided and Defendant's interest in possibly retaining counsel can be addressed through a separate proceeding. Accordingly, the Court **DENIES** Defendant's motions (Court File Nos. 74, 79, 75). With that said, because the substance of Defendant's motions pertain to issues stemming from his lack of counsel, the Court will hold a hearing to revisit whether Defendant still wants to proceed *pro se* (that is, unrepresented by an attorney), retain an attorney at his own expense, or have an attorney appointed.

The hearing will be held before U. S. Magistrate Judge Susan K. Lee on Tuesday, November 6, 2012 at 10:00 a.m. [EASTERN], 4<sup>th</sup> Floor Courtroom, 900 Georgia Avenue, in Chattanooga, Tennessee.

**SO ORDERED.**

**ENTER:**

/s/  
**CURTIS L. COLLIER**  
**UNITED STATES DISTRICT JUDGE**